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AMENDED IN SENATE JUNE 19, 2015

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 285

Introduced by Assembly Member Gallagher

February 11, 2015

An act to amend Sections 6400, 6402, 6403, 6404, 6405, 6406, 6407, 6408, 6410, 6410.5, 22355, and 22457 of, and to add Sections 6402.2 and 6409.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 285, as amended, Gallagher. Professions and vocations: registration.

(1) Existing law defines and regulates the activities of legal document assistants and unlawful detainer assistants, as those terms are defined. Existing law requires a legal document assistant or unlawful detainer assistant to be registered in the county in which his or her principal place of business is located, which is deemed the primary place of registration, and in any other county in which he or she performs acts for which registration is required, which is deemed a secondary place of registration. A violation of this requirement is a misdemeanor. Existing law prohibits a legal document assistant from providing self-help service, as defined, for compensation unless he or she is registered in the county in which his or her principal place of business

is located and in any other county in which he or she performs acts for which registration is required. Existing law requires a county clerk to, among other things, issue an identification card to each registered legal document assistant and unlawful detainer assistant.

This bill would delete the requirement that a legal document assistant or an unlawful detainer assistant be registered in any other county in which he or she performs acts for which registration is required. The bill would also specify that a legal document assistant registered in the county in which his or her principal place of business is located and in which he or she maintains a branch office may provide self-help services in any part of this state. The bill would also delete references to primary and secondary places of registration. ~~The bill would require a legal document assistant or unlawful detainer assistant to provide his or her identification card when filing documents in a county other than the county of his or her registration.~~

(2) Existing law requires an applicant for registration as a legal document assistant to meet specified educational requirements. Existing law requires the county clerk to, among other things, return an application and fee to an applicant, along with notice indicating the reason for the denial and the method of appeal, if the clerk finds that the applicant has not complied with the educational requirements for registration as a legal document assistant.

This bill would additionally require an applicant for renewal of registration as a legal document assistant or unlawful detainer assistant to complete 15 hours of continuing legal education courses *that meet specified requirements relating to attorneys* during the 2-year period preceding renewal from a provider approved by the State Bar. ~~renewal.~~ The bill would require the applicant to state on his or her application for renewal, under penalty of perjury, that the applicant has completed the required continuing legal education courses. The bill would require the county clerk to return an application and fee to an applicant for renewal who fails to comply with this requirement.

By revising the duties of county clerks with respect to the renewal of registration of legal document assistants and unlawful detainer assistants, and by expanding the scope of the crime of perjury, this bill would impose a state-mandated local program.

(3) Existing law provides for the renewal of registration of a legal document assistant or unlawful detainer assistant and requires the county clerk to assign the same registration number to a legal document

assistant or an unlawful detainer assistant renewing his or her registration provided that there is no lapse in the period of registration.

Existing law defines and regulates the activities of process servers and professional photocopiers, as those terms are defined, including requiring a process server or professional photocopier to be registered, as specified. Existing law provides for the renewal of registration under these provisions and requires the county clerk to assign the same registration number to a process server or professional photocopier renewing his or her registration provided that there is no lapse in the period of registration.

This bill would instead require the county clerk to assign the same registration number to a registrant in any of the above-described professions, provided that there is no lapse of three years or more in the period of registration.

By changing the process by which county clerks renew registration of legal document assistants, unlawful detainer assistants, process servers, and professional photocopiers, this bill would impose a state-mandated local program.

(4) Existing law requires a registered legal document assistant or unlawful detainer assistant to include his or her name, business address, telephone number, registration number, expiration date of the registration, and county of registration in any solicitation or advertisement, and on any papers or documents prepared or used by the registrant. A violation of this requirement is a misdemeanor.

This bill would delete the requirement that the expiration date of the registration appear on any papers or documents prepared or used by the registrant. The bill would also require the legal document assistant or unlawful detainer assistant to include his or her name, business address, telephone number, registration number, expiration date of the registration, and county of registration on a written contract for services required to be provided to a client, on any Internet Web site maintained by the registrant, and in any solicitation, advertisement, document, or correspondence prepared or used by the registrant in electronic form.

By changing the scope of a crime, this bill would impose a state-mandated local program.

(5) Existing law prescribes the proper county of venue in civil actions.

This bill, notwithstanding any other law, would provide that the proper venue in an action between a legal document assistant or unlawful detainer assistant and his or her client is the county in which the client has his or her primary residence. The bill would require a written

contract entered into on or after January 1, 2016, between the legal document assistant or unlawful detainer assistant and his or her client to include a statement to this effect and would make a contract voidable at the clients option for failure to comply with this requirement.

(6) Existing law requires a legal document assistant or unlawful detainer assistant to make specified statements to a prospective client indicating that he or she is not a lawyer and authorizes the legal document assistant or unlawful detainer assistant to have the prospective client read and sign a “Notice to Consumer” indicating that the legal document assistant or unlawful detainer assistant has provided this information.

This bill would additionally require the legal document assistant or unlawful detainer assistant to inform the prospective client of the county in which he or she, or the partnership or corporation, is registered, the registration number assigned by the county, and the expiration date of his or her, or of the partnership’s or corporation’s, current registration period. The bill would require the “Notice to Consumer” to include this information.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6400 of the Business and Professions
- 2 Code is amended to read:
- 3 6400. (a) “Unlawful detainer assistant” means any individual
- 4 who for compensation renders assistance or advice in the
- 5 prosecution or defense of an unlawful detainer claim or action,
- 6 including any bankruptcy petition that may affect the unlawful
- 7 detainer claim or action.

1 (b) “Unlawful detainer claim” means a proceeding, filing, or
2 action affecting rights or liabilities of any person that arises under
3 Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of
4 the Code of Civil Procedure and that contemplates an adjudication
5 by a court.

6 (c) “Legal document assistant” means:

7 (1) Any person who is not exempted under Section 6401 and
8 who provides, or assists in providing, or offers to provide, or offers
9 to assist in providing, for compensation, any self-help service to
10 a member of the public who is representing himself or herself in
11 a legal matter, or who holds himself or herself out as someone who
12 offers that service or has that authority. This paragraph does not
13 apply to any individual whose assistance consists merely of
14 secretarial or receptionist services.

15 (2) A corporation, partnership, association, or other entity that
16 employs or contracts with any person not exempted under Section
17 6401 who, as part of his or her responsibilities, provides, or assists
18 in providing, or offers to provide, or offers to assist in providing,
19 for compensation, any self-help service to a member of the public
20 who is representing himself or herself in a legal matter or holds
21 himself or herself out as someone who offers that service or has
22 that authority. This paragraph does not apply to an individual
23 whose assistance consists merely of secretarial or receptionist
24 services.

25 (d) “Self-help service” means all of the following:

26 (1) Completing legal documents in a ministerial manner, selected
27 by a person who is representing himself or herself in a legal matter,
28 by typing or otherwise completing the documents at the person’s
29 specific direction.

30 (2) Providing general published factual information that has
31 been written or approved by an attorney, pertaining to legal
32 procedures, rights, or obligations to a person who is representing
33 himself or herself in a legal matter, to assist the person in
34 representing himself or herself. This service in and of itself, shall
35 not require registration as a legal document assistant.

36 (3) Making published legal documents available to a person
37 who is representing himself or herself in a legal matter.

38 (4) Filing and serving legal forms and documents at the specific
39 direction of a person who is representing himself or herself in a
40 legal matter.

1 (e) “Compensation” means money, property, or anything else
2 of value.

3 (f) A legal document assistant, including any legal document
4 assistant employed by a partnership or corporation, shall not
5 provide any self-help service for compensation, unless the legal
6 document assistant is registered pursuant to Section 6402.

7 (g) A legal document assistant may not provide any kind of
8 advice, explanation, opinion, or recommendation to a consumer
9 about possible legal rights, remedies, defenses, options, selection
10 of forms, or strategies. A legal document assistant shall complete
11 documents only in the manner prescribed by paragraph (1) of
12 subdivision (d).

13 SEC. 2. Section 6402 of the Business and Professions Code is
14 amended to read:

15 6402. A legal document assistant or unlawful detainer assistant
16 shall be registered pursuant to this chapter by the county clerk in
17 the county in which his or her principal place of business is located,
18 and in which he or she maintains a branch office, and provide proof
19 that the registrant has satisfied the bonding requirement of Section
20 6405. No person who has been disbarred or suspended from the
21 practice of law pursuant to Article 6 (commencing with Section
22 6100) of Chapter 4 may, during the period of any disbarment or
23 suspension, register as a legal document assistant or unlawful
24 detainer assistant. The Department of Consumer Affairs shall
25 develop the application required to be completed by a person for
26 purposes of registration as a legal document assistant. The
27 application shall specify the types of proof that the applicant shall
28 provide to the county clerk in order to demonstrate the
29 qualifications and requirements of Section 6402.1.

30 SEC. 3. Section 6402.2 is added to the Business and Professions
31 Code, to read:

32 6402.2. To be eligible to renew registration under this chapter,
33 the registrant shall complete 15 hours of continuing legal education
34 ~~courses~~ *courses, which meet the requirements of Section 6070,*
35 ~~during the two-year period preceding renewal from a provider~~
36 ~~approved by the State Bar.~~

37 SEC. 4. Section 6403 of the Business and Professions Code is
38 amended to read:

39 6403. (a) The application for registration of a natural person
40 shall contain all of the following statements about the applicant:

- 1 (1) Name, age, address, and telephone number.
- 2 (2) Whether he or she has been convicted of a felony, or of a
3 misdemeanor under Section 6126 or 6127, or found liable under
4 Section 6126.5.
- 5 (3) Whether he or she has been held liable in a civil action by
6 final judgment or entry of a stipulated judgment, if the action
7 alleged fraud, the use of an untrue or misleading representation,
8 or the use of an unfair, unlawful, or deceptive business practice.
- 9 (4) Whether he or she has ever been convicted of a misdemeanor
10 violation of this chapter.
- 11 (5) Whether he or she has had a civil judgment entered against
12 him or her in an action arising out of the applicant's negligent,
13 reckless, or willful failure to properly perform his or her obligation
14 as a legal document assistant or unlawful detainer assistant.
- 15 (6) Whether he or she has had a registration revoked pursuant
16 to Section 6413.
- 17 (7) If the application is for a renewal of registration, a statement
18 by the applicant that he or she has completed the legal education
19 courses required by Section 6402.2.
- 20 (b) The application for registration of a natural person shall be
21 accompanied by the display of personal identification, such as a
22 California driver's license, birth certificate, or other identification
23 acceptable to the county clerk to adequately determine the identity
24 of the applicant.
- 25 (c) The application for registration of a partnership or
26 corporation shall contain all of the following statements about the
27 applicant:
 - 28 (1) The names, ages, addresses, and telephone numbers of the
29 general partners or officers.
 - 30 (2) Whether the general partners or officers have ever been
31 convicted of a felony, or a misdemeanor under Section 6126 or
32 6127, or found liable under Section 6126.5.
 - 33 (3) Whether the general partners or officers have ever been held
34 liable in a civil action by final judgment or entry of a stipulated
35 judgment, if the action alleged fraud, the use of an untrue or
36 misleading representation, or the use of an unfair, unlawful, or
37 deceptive business practice.
 - 38 (4) Whether the general partners or officers have ever been
39 convicted of a misdemeanor violation of this chapter.

1 (5) Whether the general partners or officers have had a civil
2 judgment entered against them in an action arising out of a
3 negligent, reckless, or willful failure to properly perform the
4 obligations of a legal document assistant or unlawful detainer
5 assistant.

6 (6) Whether the general partners or officers have ever had a
7 registration revoked pursuant to Section 6413.

8 (7) If the application is for a renewal of registration, a statement
9 by the applicant that the individuals performing legal document
10 assistant or unlawful detainer assistant services have completed
11 the legal education courses required by Section 6402.2.

12 (d) The applications made under this section shall be made under
13 penalty of perjury.

14 (e) The county clerk shall retain the application for registration
15 for a period of three years following the expiration date of the
16 application, after which time the application may be destroyed if
17 it is scanned or if the conditions specified in Section 26205.1 of
18 the Government Code are met. If the application is scanned, the
19 scanned image shall be retained for a period of 10 years, after
20 which time that image may be destroyed and, notwithstanding
21 Section 26205.1 of the Government Code, no reproduction thereof
22 need be made or preserved.

23 SEC. 5. Section 6404 of the Business and Professions Code is
24 amended to read:

25 6404. An applicant shall pay a fee of one hundred seventy-five
26 dollars (\$175) to the county clerk at the time he or she files an
27 application for initial registration or renewal of registration. An
28 additional fee of ten dollars (\$10) shall be paid to the county clerk
29 for each additional identification card.

30 SEC. 6. Section 6405 of the Business and Professions Code is
31 amended to read:

32 6405. (a) (1) An application for a certificate of registration
33 by an individual shall be accompanied by a bond of twenty-five
34 thousand dollars (\$25,000) executed by a corporate surety qualified
35 to do business in this state and conditioned upon compliance with
36 this chapter. The total aggregate liability on the bond shall be
37 limited to twenty-five thousand dollars (\$25,000).

38 (2) An application for a certificate of registration by a
39 partnership or corporation shall be accompanied by a bond executed
40 by a corporate surety qualified to do business in this state and

1 conditioned upon compliance with this chapter in the following
2 amount, based on the total number of legal document assistants
3 and unlawful detainer assistants employed by the partnership or
4 corporation:

5 (A) Twenty-five thousand dollars (\$25,000) for one to four
6 assistants.

7 (B) Fifty thousand dollars (\$50,000) for five to nine assistants.

8 (C) One hundred thousand dollars (\$100,000) for 10 or more
9 assistants. An application for a certificate of registration by a
10 person employed by a partnership or corporation shall be
11 accompanied by a bond of twenty-five thousand dollars (\$25,000)
12 only if the partnership or corporation has not posted a bond in the
13 amount required by this subdivision.

14 (3) If a partnership or corporation increases the number of
15 assistants it employs above the number stated in its application for
16 a certificate of registration, the partnership or corporation shall
17 promptly increase the bond to the applicable amount in
18 subparagraphs (B) or (C) of paragraph (2) based on the actual
19 number of assistants it employs, and shall promptly submit the
20 increased bond to the county clerk.

21 (4) The bond may be terminated pursuant to Section 995.440
22 of, and Article 13 (commencing with Section 996.310) of Chapter
23 2 of Title 14 of Part 2 of, the Code of Civil Procedure.

24 (b) The county clerk shall, upon filing of the bond, deliver the
25 bond forthwith to the county recorder for recording. The recording
26 fee specified in Section 27361 of the Government Code shall be
27 paid by the registrant. The fee may be paid to the county clerk who
28 shall transmit it to the recorder.

29 (c) The fee for filing, canceling, revoking, or withdrawing the
30 bond is seven dollars (\$7).

31 (d) The county recorder shall record the bond and any notice
32 of cancellation, revocation, or withdrawal of the bond, and shall
33 thereafter mail the instrument, unless specified to the contrary, to
34 the person named in the instrument and, if no person is named, to
35 the party leaving it for recording. The recording fee specified in
36 Section 27361 of the Government Code for notice of cancellation,
37 revocation, or withdrawal of the bond shall be paid to the county
38 clerk, who shall transmit it to the county recorder.

1 (e) In lieu of the bond required by subdivision (a), a registrant
2 may deposit the amount required by subdivision (a) in cash with
3 the county clerk.

4 (f) If the certificate is revoked, the bond or cash deposit shall
5 be returned to the bonding party or depositor subject to subdivision
6 (g) and the right of a person to recover against the bond or cash
7 deposit under Section 6412.

8 (g) The county clerk may retain a cash deposit until the
9 expiration of three years from the date the registrant has ceased to
10 do business, or three years from the expiration or revocation date
11 of the registration, in order to ensure there are no outstanding
12 claims against the deposit. A judge may order the return of the
13 deposit prior to the expiration of three years upon evidence
14 satisfactory to the judge that there are no outstanding claims against
15 the deposit.

16 (h) The bond required by this section shall be in favor of the
17 State of California for the benefit of any person who is damaged
18 as a result of the violation of this chapter or by the fraud,
19 dishonesty, or incompetency of an individual, partnership, or
20 corporation registered under this chapter. The bond required by
21 this section shall also indicate the name of the county in which it
22 will be filed.

23 SEC. 7. Section 6406 of the Business and Professions Code is
24 amended to read:

25 6406. (a) If granted, a certificate of registration shall be
26 effective for a period of two years, until the date the bond expires,
27 or until the total number of legal document assistants and unlawful
28 detainer assistants employed by a partnership or corporation
29 exceeds the number allowed for the amount of the bond in effect,
30 whichever occurs first. Thereafter, a registrant shall file a new
31 certificate of registration or a renewal of the certificate of
32 registration and pay the fee required by Section 6404, and increase
33 the amount of the bond if required to comply with subdivision (a)
34 of Section 6405. A certificate of registration that is currently
35 effective may be renewed up to 60 days prior to its expiration date
36 and the effective date of the renewal shall be the date the current
37 registration expires. The renewal shall be effective for a period of
38 two years from the effective date or until the expiration date of the
39 bond, or until the total number of legal document assistants and
40 unlawful detainer assistants employed by a partnership or

1 corporation exceeds the number allowed for the dollar amount of
2 the bond in effect, whichever occurs first.

3 (b) Except as provided in subdivisions (d) to (f), inclusive, an
4 applicant shall be denied registration or renewal of registration if
5 the applicant has been any of the following:

6 (1) Convicted of a felony, or of a misdemeanor under Section
7 6126 or 6127, or found liable under Section 6126.5.

8 (2) Held liable in a civil action by final judgment or entry of a
9 stipulated judgment, if the action alleged fraud, or the use of an
10 untrue or misleading representation, or the use of an unfair,
11 unlawful, or deceptive business practice.

12 (3) Convicted of a misdemeanor violation of this chapter.

13 (4) Had a civil judgment entered against him or her in an action
14 arising out of the applicant's negligent, reckless, or willful failure
15 to properly perform his or her obligation as a legal document
16 assistant or unlawful detainer assistant.

17 (5) Had his or her registration revoked pursuant to Section 6413.

18 (c) If the county clerk finds that the applicant has failed to
19 demonstrate having met the requisite requirements of Section 6402,
20 6402.1, or 6402.2, or that any of the paragraphs of subdivision (b)
21 apply, the county clerk, within three business days of submission
22 of the application and fee, shall return the application and fee to
23 the applicant with a notice to the applicant indicating the reason
24 for the denial and the method of appeal.

25 (d) The denial of an application may be appealed by the
26 applicant by submitting, to the director, the following:

27 (1) The completed application and notice from the county clerk
28 specifying the reasons for the denial of the application.

29 (2) A copy of any final judgment or order that resulted from
30 any conviction or civil judgment listed on the application.

31 (3) Any relevant information the applicant wishes to include
32 for the record.

33 (e) The director shall order the applicant's certificate of
34 registration to be granted if the director determines that the issuance
35 of a certificate of registration is not likely to expose consumers to
36 a significant risk of harm based on a review of the application and
37 any other information relating to the applicant's unlawful act or
38 unfair practice described in paragraphs (1) to (5), inclusive, of
39 subdivision (b). The director shall order the applicant's certificate
40 of registration to be denied if the director determines that issuance

1 of a certificate of registration is likely to expose consumers to a
2 significant risk of harm based on a review of the application and
3 any other information relating to the applicant's unlawful act or
4 unfair practice described in paragraphs (1) to (5), inclusive, of
5 subdivision (b). The director shall send to the applicant and the
6 county clerk a written decision listing the reasons registration shall
7 be granted or denied within 30 days of the submission of the matter.

8 (f) If the director orders that the certificate of registration be
9 granted, the applicant may resubmit the application, with the
10 appropriate application fee and the written decision of the director.
11 The county clerk shall grant the certificate of registration to the
12 applicant within three business days of being supplied this
13 information.

14 SEC. 8. Section 6407 of the Business and Professions Code is
15 amended to read:

16 6407. (a) The county clerk shall maintain a register of legal
17 document assistants, and a register of unlawful detainer assistants,
18 assign a unique number to each legal document assistant, or
19 unlawful detainer assistant, and issue an identification card to each
20 one. Upon renewal of registration, the same number shall be
21 assigned, provided there is no lapse of three or more years in the
22 period of registration.

23 (b) The identification card shall be a card not less than 3 ¼ by
24 2 inches, and shall contain at the top, the title "Legal Document
25 Assistant" or "Unlawful Detainer Assistant," as appropriate,
26 followed by the registrant's name, address, registration number,
27 date of expiration, and county of registration. It shall also contain
28 a photograph of the registrant in the lower left corner. The
29 identification card for a partnership or corporation registration
30 shall be issued in the name of the partnership or corporation, and
31 shall not contain a photograph. The front of the card, above the
32 title, shall also contain the following statement in 12-point boldface
33 type: "This person is not a lawyer." The front of the card, at the
34 bottom, shall also contain the following statement in 12-point
35 boldface type: "The county clerk has not evaluated this person's
36 knowledge, experience, or services."

37 ~~(c) A legal document assistant or unlawful detainer assistant~~
38 ~~shall present his or her identification card when filing documents~~
39 ~~in a county other than his or her county of registration.~~

1 SEC. 9. Section 6408 of the Business and Professions Code is
2 amended to read:

3 6408. The registrant's name, business address, telephone
4 number, registration number, and county of registration shall appear
5 in any solicitation or advertisement, and on any printed papers or
6 documents prepared or used by the registrant, including, but not
7 limited to, contracts, letterhead, business cards, correspondence,
8 documents, forms, claims, petitions, checks, receipts, and
9 pleadings. The registrant's name, business address, telephone
10 number, registration number, expiration date of the registration,
11 and county of registration shall appear on the written contract
12 required to be provided to a client pursuant to Section 6410, as
13 well as on any Internet Web site maintained by the registrant, and
14 in any solicitation, advertisement, document, or correspondence
15 prepared or used by the registrant in electronic form.

16 SEC. 10. Section 6409.1 is added to the Business and
17 Professions Code, to read:

18 6409.1. Notwithstanding any other law, the venue for an action
19 arising out of a dispute between a legal document assistant or
20 unlawful detainer assistant and his or her client shall be the county
21 in which the client has his or her primary residence.

22 SEC. 11. Section 6410 of the Business and Professions Code
23 is amended to read:

24 6410. (a) Every legal document assistant or unlawful detainer
25 assistant who enters into a contract or agreement with a client to
26 provide services shall, prior to providing any services, provide the
27 client with a written contract, the contents of which shall be
28 prescribed by regulations adopted by the Department of Consumer
29 Affairs.

30 (b) The written contract shall include all of the following
31 provisions:

- 32 (1) The services to be performed.
- 33 (2) The costs of the services to be performed.
- 34 (3) There shall be printed on the face of the contract in 12-point
35 boldface type a statement that the legal document assistant or
36 unlawful detainer assistant is not an attorney and may not perform
37 the legal services that an attorney performs.
- 38 (4) The contract shall contain a statement in 12-point boldface
39 type that the county clerk has not evaluated or approved the

1 registrant's knowledge or experience, or the quality of the
2 registrant's services.

3 (5) The contract shall contain a statement in 12-point boldface
4 type that the consumer may obtain information regarding free or
5 low-cost representation through a local bar association or legal aid
6 foundation and that the consumer may contact local law
7 enforcement, a district attorney, or a legal aid foundation if the
8 consumer believes that he or she has been a victim of fraud, the
9 unauthorized practice of law, or any other injury.

10 (6) The contract shall contain a statement in 12-point boldface
11 type that a legal document assistant or unlawful detainer assistant
12 is not permitted to engage in the practice of law, including
13 providing any kind of advice, explanation, opinion, or
14 recommendation to a consumer about possible legal rights,
15 remedies, defenses, options, selection of forms, or strategies.

16 (c) The contract shall be written both in English and in any other
17 language comprehended by the client and principally used in any
18 oral sales presentation or negotiation leading to execution of the
19 contract. The legal document assistant or the unlawful detainer
20 assistant is responsible for translating the contract into the language
21 principally used in any oral sales presentation or negotiation
22 leading to the execution of the contract.

23 (d) A written contract entered into on or after January 1, 2016,
24 shall contain a statement that, pursuant to Section 6409.1, the venue
25 for an action arising out of a dispute between a legal document
26 assistant or unlawful detainer assistant and his or her client shall
27 be the county in which the client has his or her primary residence.

28 (e) Failure of a legal document assistant or unlawful detainer
29 assistant to comply with subdivisions (a), (b), (c), and (d) shall
30 make the contract or agreement for services voidable at the option
31 of the client. Upon the voiding of the contract, the legal document
32 assistant or unlawful detainer assistant shall immediately return
33 in full any fees paid by the client.

34 (f) In addition to any other right to rescind, the client shall have
35 the right to rescind the contract within 24 hours of the signing of
36 the contract. The client may cancel the contract by giving the legal
37 document assistant or the unlawful detainer assistant any written
38 statement to the effect that the contract is canceled. If the client
39 gives notice of cancellation by mail addressed to the legal
40 document assistant or unlawful detainer assistant, with first-class

1 postage prepaid, cancellation is effective upon the date indicated
2 on the postmark. Upon the voiding or rescinding of the contract
3 or agreement for services, the legal document assistant or unlawful
4 detainer assistant shall immediately return to the client any fees
5 paid by the client, except fees for services that were actually,
6 necessarily, and reasonably performed on the client's behalf by
7 the legal document assistant or unlawful detainer assistant with
8 the client's knowing and express written consent. The requirements
9 of this subdivision shall be conspicuously set forth in the written
10 contract.

11 SEC. 12. Section 6410.5 of the Business and Professions Code
12 is amended to read:

13 6410.5. (a) It is unlawful for any legal document assistant or
14 unlawful detainer assistant, in the first in-person or telephonic
15 solicitation of a prospective client of legal document or unlawful
16 detainer assistant services, to enter into a contract or agreement
17 for services or accept any compensation unless the legal document
18 assistant or the unlawful detainer assistant states orally, clearly,
19 affirmatively and expressly all of the following, before making
20 any other statement, except statements required by law in
21 telephonic or home solicitations, and a greeting, or asking the
22 prospective client any questions:

- 23 (1) The identity of the person making the solicitation.
 - 24 (2) The trade name of the person represented by the person
25 making the solicitation, if any.
 - 26 (3) The kind of services being offered for sale.
 - 27 (4) The statement: "I am not an attorney" and, if the person
28 offering legal document assistant or unlawful detainer assistant
29 services is a partnership or a corporation, or uses a fictitious
30 business name, "[name] is not a law firm. I/we cannot represent
31 you in court, advise you about your legal rights or the law, or select
32 legal forms for you."
 - 33 (5) The county in which the legal document assistant or unlawful
34 detainer assistant is registered and his or her registration number.
 - 35 (6) The expiration date of the legal document assistant's or
36 unlawful detainer assistant's current registration period.
- 37 (b) If the first contact between a legal document assistant or an
38 unlawful detainer assistant and a prospective client is initiated by
39 the prospective client, it is unlawful for the legal document assistant
40 or unlawful detainer assistant to enter into a contract or agreement

1 for services or accept any compensation unless the legal document
 2 assistant or the unlawful detainer assistant states orally, clearly,
 3 affirmatively and expressly, during that first contact, and before
 4 offering any contract or agreement for services to the prospective
 5 client, the following: “I am not an attorney [and, if the person
 6 offering legal document assistant or unlawful detainer assistant
 7 services is a partnership or a corporation, or uses a fictitious
 8 business name, “[name] is not a law firm.”] [I/We] cannot (1)
 9 represent you in court, (2) advise you about your legal rights or
 10 the law, or (3) select legal forms for you.” The legal document
 11 assistant or the unlawful detainer assistant shall also inform the
 12 prospective client of the county in which he or she, or the
 13 partnership or corporation, is registered, the registration number
 14 assigned by the county, and the expiration date of his or her, or of
 15 the partnership’s or corporation’s, current registration period. After
 16 making this statement, and before offering the prospective client
 17 a contract or agreement for services, a legal document assistant or
 18 unlawful detainer assistant who has made the statement in
 19 accordance with this subdivision may ask the prospective client
 20 to read the “Notice to Consumer” set forth below, and after
 21 allowing the prospective client time to read the notice, may ask
 22 the prospective client to sign and date the notice. The notice shall
 23 be set forth in black, bold, 14-point type on a separate, white, 8 ½
 24 by 11 inch sheet of paper which contains no other print or graphics,
 25 and shall be in the following form. The notice shall contain only
 26 the appropriate name or other designation from those indicated in
 27 brackets below. At the time a prospective client signs the notice
 28 and before that prospective client is offered any contract or
 29 agreement for signature, the legal document assistant or unlawful
 30 detainer assistant shall give the prospective client a clearly legible
 31 copy of the signed notice. A legal document assistant or unlawful
 32 detainer assistant shall not ask or require a prospective client or a
 33 client to sign any other form of acknowledgment regarding this
 34 notice.

35
 36 NOTICE TO CONSUMER

37
 38 DO NOT SIGN ANYTHING BEFORE YOU READ THIS PAGE
 39

1 In the first conversation when you contacted [the unlawful detainer
2 assistant or the legal document assistant], did [he or she] explain
3

4
5 [Name of unlawful detainer assistant or legal document assistant]
6 is not an attorney.

7
8 [Name of corporation or partnership, if any, that is offering legal
9 document assistant services or unlawful detainer assistant services]
10 is not a law firm.

11
12 [He/she/name of the business] cannot represent you in court.

13
14 [He/she/name of the business] cannot advise you about your legal
15 rights or the law.

16
17 [He/she/name of the business] cannot select legal forms for you.

18
19 [He/she/name ~~if~~ of the business] is registered in [county name]
20 and the registration number is [registration number].

21
22 [He/she/name of the business]'s registration is valid until [date of
23 expiration of registration], after which it must be renewed.

24
25 Choose one:

26
27 Yes, [he/she] explained.

28 No, [he/she] did not explain.

29
30 Date:

31
32 Signature:

33
34 SEC. 13. Section 22355 of the Business and Professions Code
35 is amended to read:

36 22355. (a) The county clerk shall maintain a register of process
37 servers and assign a number and issue an identification card to
38 each process server. The county clerk shall issue a temporary
39 identification card, for no additional fee, to applicants who are
40 required to submit Request for Live Scan forms for background

1 checks to the Federal Bureau of Investigation and the Department
2 of Justice. This card shall be valid for 120 days. If clearance is
3 received from the Federal Bureau of Investigation and the
4 Department of Justice within 120 days, the county clerk shall
5 immediately issue a permanent identification card to the applicant.
6 Upon request of the applicant, the permanent identification card
7 shall be mailed to the applicant at his or her address of record.
8 Upon renewal of a certificate of registration, the same number
9 shall be assigned, provided there is no lapse of three or more years
10 in the period of registration.

11 (b) The temporary and permanent identification cards shall be
12 not less than $3\frac{1}{4}$ inches by 2 inches and shall contain at the top
13 the title, "Registered Process Server," followed by the registrant's
14 name, address, registration number, date of expiration, and county
15 of registration. In the case of a natural person, it shall also contain
16 a photograph of the registrant in the lower left corner. The
17 identification card for a partnership or corporation registration
18 shall be issued in the name of the partnership or corporation, and
19 shall not contain a photograph.

20 SEC. 14. Section 22457 of the Business and Professions Code
21 is amended to read:

22 22457. (a) The county clerk shall maintain a register of
23 professional photocopiers, assign a number to each professional
24 photocopier, and issue an identification card to each one.
25 Additional cards for employees of professional photocopiers shall
26 be issued upon the payment of a fee for each card in an amount
27 sufficient to cover the reasonable regulatory costs associated with
28 the issuance of additional cards, as determined by the county clerk.
29 Upon renewal of registration, the same number shall be assigned,
30 provided there is no lapse of three or more years in the period of
31 registration.

32 (b) The identification card shall be a card not less than $3\frac{1}{4}$
33 inches by 2 inches, and shall contain at the top the title,
34 "Professional Photocopier" followed by the registrant's name,
35 address, registration number, date of expiration, and county of
36 registration. It shall also contain a photograph of the registrant in
37 the lower left corner. The identification card for a partnership or
38 corporation registration shall be issued in the name of the
39 partnership or corporation, and shall not contain a photograph.
40 The identification card for an employee of a professional

1 photocopier or a partnership or corporation shall contain a
2 photograph of the employee in the lower left corner.

3 (c) The identification card for an employee of a professional
4 photocopier or a partnership or corporation shall be issued in the
5 name of the employee and include “Employee of: [insert name of
6 the professional photocopier or the partnership or corporation].”

7 SEC. 15. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution for certain
9 costs that may be incurred by a local agency or school district
10 because, in that regard, this act creates a new crime or infraction,
11 eliminates a crime or infraction, or changes the penalty for a crime
12 or infraction, within the meaning of Section 17556 of the
13 Government Code, or changes the definition of a crime within the
14 meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 However, if the Commission on State Mandates determines that
17 this act contains other costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.